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TO : MAIL STOP 16
COMPANY : USPTO
FAX No. : 703-872-9306
No of PAGES : 3 (including cover sheet)
FROM : Joseph Fischer, Reg. No. 51,210
DATE : March 17, 2005
RE : Serial No.: 09/981,685
ATTY. DOCKET NO: 10524-003

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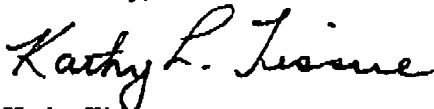
MAR 17 2005

VIA FACSIMILE ONLY

Attached, please find the following for your consideration:

Request for Refund Based on Later Establishment of Small Entity Status, In accordance with and Under 37 CFR 1.26, 1.27 and 1.28.

Yours truly,



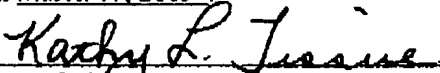
Kathy Tissue
Legal Assistant to Joe Fischer

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Kathy L. Tissue

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Frank L. Graham, et al.
Examiner : Vogel, Nancy S.
Art Unit : 1636
Docket No. : 10524-003
Serial No. : 09/981,685
Filed : October 17, 2001
For : ADENOVIRUSES FOR CONTROL OF GENE EXPRESSION

Mail Stop 16
Director of the U.S. Patent
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Alexandria, VA 22313-1450

Sir/Madam:

REQUEST FOR REFUND BASED ON LATER ESTABLISHMENT OF SMALL ENTITY
STATUS, IN ACCORDANCE WITH AND UNDER 37 CFR 1.26, 1.27 AND 1.28

In accordance with and under 37 CFR 1.27(c), Applicant's Attorney hereby attests to the fact that the Applicant is a small business concern that is a small entity, and is therefore entitled to small entity status. Accordingly, the captioned application, U.S. Serial No. 09/981,685, is entitled to small entity status, and as such, is further entitled to reduced patent fees pursuant to 35 USC 41(h).

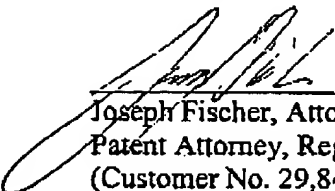
On January 4, 2005, Applicant inadvertently paid the Issue Fee as a large entity. Accordingly, in accordance with and under 37 CFR 1.28(a), Applicant hereby requests a refund in the amount of the difference between what was paid and what was properly due as a small entity on January 4, 2005. Applicant believes the difference due for refund is \$700.00.

This request for refund is being requested within the three-month period as defined under 37 CFR 1.28(b)(1).

It is believed that all requirements for this request for refund under 37 CFR 1.28 are met by this communication. If there is any deficiency in this request, or if any questions arise or any clarification is needed, a call to the undersigned within the three-month period is respectfully requested.

Docket No: 10524-003
Application Serial No. 09/981,685

Respectfully submitted,

 3/17/2005
Joseph Fischer, Attorney for Applicant
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